

**TIVERTON PLANNING BOARD  
MINUTES OF SPECIAL MEETING  
December 18, 2014**

Chairman Stephen Hughes called the special meeting of the Tiverton Planning Board to order at 7:10 P.M. at the Tiverton High School Auditorium, 100 North Brayton Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell and David Saurette. Board member Peter Corr was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, engineering consultant Deidre Paiva of Commonwealth Engineers and Consultants, planning consultant Kenneth Buckland of the Cecil Group and the Planning Board's Solicitor David Petrarca, Esq. Court reporter Karen Ceseretti was present in the audience.

**1. Carpionato Group, LLC, Applicant – 1414 Atwood Avenue – Johnston, RI 02919 – Master Plan Review – Public Informational Meeting – Major Land Development – Request for Zoning Ordinance & Map Amendment – Request for Amendment to the Comprehensive Community Plan – Recommendation to the Town Council – S/S Souza Road, N/S Route 24, E/S Main Road – R-40 Zoning District – Plat 110 / Lot 102 (Vacant), Plat 301 / Lot 220 (Vacant), Plat 301 / Lot 221 (1148 Main Road) – Tiverton Crossings – Mixed-Use Major Land Development – Phased – (Retail / Office / Residential / Hotel / Restaurant) – Time Clock = 3/11/2014** Attorneys Kerin Browning and Thomas Moses of Moses, Afonso and Ryan, engineer David Taglianetti and Robert Clinton of VHB, planning consultant Joseph Lombardo and Kelly Coates and Joseph Pierek of Carpionato Group, LLC were present on behalf of the applicant. Ms. Eva stated that she would like to make a point of order. She stated that she had received the November Administrative Officer's report, which included a summary of a November 13 meeting held with Mr. Pierek, Mr. Coates, Mr. Lombardo, Town Administrator Matthew Wojcik and Mr. Buckland. She expressed concern that this meeting was not advertised and asked if there were any other meetings that they were not aware of. She expressed concern regarding the appearance of impropriety. The Chairman replied that he was not aware of any other meetings and that the meeting had been cleared by legal counsel beforehand. He noted that it was not a Planning Board meeting and that no Planning Board members were present. (Note: see the Administrative Officer's report for the meeting summary. The meeting was a staff meeting regarding process.)

**A. Fiscal Impact Analysis – Wimbourne & Summertree / Discussion & Questions** Alan Booth and Paige Bronk of Wimbourne & Summertree were present to discuss the fiscal impact analysis. Mr. Booth stated that the fiscal impact of the proposed development had been studied. The Comprehensive Community Plan and the applicant's submission had been reviewed and an appraisal was performed on the proposed development to estimate tax revenues. Wimbourne & Summertree also interviewed the Fire Chief, Police Chief and Director of Public Works in person to discuss impacts and costs. They interviewed Superintendent William Rearick on the telephone. Mr. Booth noted that Superintendent Rearick had disagreed with the estimated school impact figure in the report. He stated that the overall net revenue was not severely impacted by the difference in figures.

Mr. Bronk stated that the report estimated the net fiscal impact to the Town and was not intended to give any recommendations regarding whether or not the project should be approved. He stated that existing conditions were reviewed. He noted that the Comprehensive Community Plan clearly indicated that the Town values a high quality of life and the character of the Town. He stated that there was language in the Plan regarding the desire to diversify the tax base without compromising the quality of life or adding to the expenses of the Town. Mr. Bronk noted that the Town's current development pattern is predominately residential. He stated that they had looked at the existing zoning of the parcel (R-40) and tried to predict the anticipated student impact for a single-family development.

Mr. Bronk stated that the conclusion regarding impact of the proposed mixed-use development was a fairly substantial net positive benefit. He noted that the school aged population numbers were theoretical and that

they had looked at how students might be absorbed into the school system. He added that while the number of dwelling units in town had declined, so had the average household size and the number of school aged children enrolled in school. Mr. Bronk stated that projected additional students would not necessarily increase costs depending upon distribution. He stated that additional costs would come from the need to hire additional teachers.

Mr. Booth stated that the income side was more nebulous than the costs side of the equation. He stated that the proposed plan was reviewed, in addition to local rents for retail and apartments, average room rates and vacancy rates. He stated that the value times the tax rate would equal the projected tax revenue. Mr. Booth stated that while he is a Certified General Appraiser, the project could be worth more or less than the appraised value. He stated that it appeared that the fiscal impact of the development would be net positive. He added that Wimbourne & Summertree were not advocates for the project.

The Chairman asked if the consultants could review the numbers in the report for the benefit of the audience. Mr. Booth stated that the estimated revenue totaled approximately \$2 million (\$2.082 million) and the estimated cost (schools, police, fire, DPW) totaled approximately \$400,000, for a net gain of approximately \$1.7 million or around \$1 on the tax rate.

Mr. Hardy noted that the Wimbourne & Summertree analysis and the Lombardo analysis (submitted by the applicant) resulted in very similar bottom line figures, but that the gross revenue projections for the Wimbourne & Summertree analysis were about \$1 million lower than Lombardo. He noted that although the results were similar, the methods were very different. Mr. Booth stated that they did not critique the Lombardo report, but performed their own analysis from scratch. He stated that the Fire Department had indicated that there would not be an additional cost associated with the project based on the statistics from other communities and an estimated three (3) additional calls per month. The Police Department had estimated that an additional one and one half (1.5) officers would be required. The Department of Public Works had indicated that the roads surrounding the proposed development were State roads and that the biggest Town impact would be fielding calls associated with these State roads. Mr. Booth stated that they simply reported what they were told.

Mr. Hardy stated that he was confused by the major disparity in figures. He stated that if the revenues projected by Wimbourne & Summertree were combined with the costs projected by Lombardo the net benefit would be much smaller. Mr. Bronk stated that they had looked very closely at the revenue projections. Mr. Booth stated that they had spoken with Carpiionato regarding rents and income, and had used local information regarding vacancies.

Wayne Karzenski, 355 Winnisimmet Drive, asked if Wimbourne & Summertree had spoken with officials in towns such as North Dartmouth and Swansea. Mr. Booth replied that the Fire Chief and Police Chief had performed their own research. He stated that Fire Chief Lloyd had been in contact with officials in South Kingstown (home to South County Commons) and Cranston (home to Chapel View and Garden City) and that Police Chief Blakey had previously worked in Swansea. Mr. Booth stated that they were comfortable with the research performed by the Chiefs.

Renee Jones, 161 Highland Road, asked if Enterprise Zone impacts were considered. Mr. Bronk replied that the Enterprise Zone is a state program, and that participation depends upon whether or not the business would qualify for the program. He stated that it was not included in their analysis.

The Chairman asked if the applicant had anything to add. There were no comments.

Cecil Leonard, 500 Puncateest Neck Road, stated that when revenue is considered there are two points that he would like addressed. He asked if someone had spoken to current small business owners regarding their expected decrease in business and the resulting decrease in meals tax, etc. Also, he asked how revenue could be projected without knowing what businesses would be located within the development. Mr. Booth

replied that they did not speak to local businesses and that for the hotel there was no local hotel that would be impacted. He stated that based on the anticipated rents for the project he did not believe that the desired client exists currently in Tiverton and may not compete with existing businesses. He stated that the average rents in the State for similar projects were used.

Pamela Begg, 355 Winnisimet Drive, confirmed that the revenue projection assumed completion of all three (3) phases. She asked what would happen if the phases were not completed. Mr. Booth replied that they did not look at the phases. Ms. Eva asked if vacancies were considered. Mr. Booth replied that normal vacancy rates were assumed.

Linda Walsh, 82 Highland Road, asked how many children and how many apartments were projected. She also asked how many apartments would be subsidized. Mr. Bronk replied that subsidized units were not part of their analysis, and that a comparison was done to estimate a potential for student (children) capacity. He stated that Wimbourne & Summertree had estimated twenty-four (24) school aged children, vs. thirty (30) children for a single-family development. He stated that they had assumed that these children would be spread throughout grades K-12.

Ms. Begg spoke again stating that the Starwood (Villages on Mt. Hope Bay) phases were never completed because the market was not there. She noted that an unfinished project would affect revenue.

Greg Jones, 161 Highland Road, stated that there is variability in the assumptions. He stated that the phases were a variable. He also stated that he would expect the consultant to present a range of net costs and benefits rather than a single number.

Joseph Bossom, 580 Cornell Road, stated that a number of children live in the development on his former farm (Sandywoods Farm). He estimated that number as far in excess of twenty six (26) and stated that they are all very young.

Mr. Booth stated that ninety (90) one (1) and two (2) bedroom apartments were proposed. For the analysis, they had assumed that half would be one (1) bedroom and half would be two (2) bedroom. He stated that more bedrooms would likely result in more children.

Donna Cook, 192 Hilton Street, asked how much HUD (US Department of Housing and Urban Development) money would be involved in the project. Mr. Bronk replied that this was not part of their analysis.

Mr. Karzenski spoke again asking if a decline in assessed values of properties in the general area was considered. Mr. Booth replied in the negative noting that there were a relatively small number of residential dwellings on Souza Road and that there was a project that would be proposed for the land behind them (north of Souza Road). He stated that they did not assume a significant change in value due to the proposed project.

Jennifer Asher, 40\_\_\_\_\_ stated that she wanted to hear the worst case scenario, and that a range should be presented. She asked what would happen if only Phase 1 was completed.

Walter Brown, 108 Driftwood Drive, asked if the Wimbourne & Summertree consultants had any conflicts of interest. Mr. Booth replied that he did not, either corporately or personally, and that he had not done business with the developer. Mr. Bronk replied that he had no conflicts.

## **B. Comprehensive Community Plan Amendment – The Cecil Group Analysis & Discussion**

- **Possible Deliberations and Vote / Possible Adoption and Recommendation to Town Council**

The Chairman stated that the Board would now start its deliberations. He reviewed the list of meetings held, stating that it was now time for the Board members to talk amongst themselves and weigh the choices. He stated that if the Comprehensive Plan amendments were to pass, the Board would move on to consider the Zoning Ordinance map and text amendments. If that also passed, the Board would move on to consider the revised Master Plan application. He stated that the Comp Plan and Zoning would require a simple majority vote, and the Master Plan would require a supermajority. The Chairman asked the audience to hold their comments until the end of the meeting and future meetings.

Renee Jones, 161 Highland Road, asked to be heard about the Cecil Group's analysis. The Chairman stated that there would be time for public input at another time. Louise Durfee, 262 Highland Road, stated that she was disturbed by an item in the Administrative Officer's November report stating that the Cecil Group had met with the developer, the Town Administrator and the Administrative Officer. She opined that there was no reason for this meeting. The Chairman replied that it was a staff meeting that occurred with the full knowledge of the solicitor, and that no Planning Board members were present. Ms. Durfee stated that the Cecil Group was supposed to be independent, and that meeting with the developer had an inappropriate appearance. She expressed serious concern.

Mr. Saurette asked if the Board should close the public hearing. The Chairman replied in the negative. Mr. Petrarca stated that no comments or clarifications from anyone, including consultants or the applicant, could be heard after the close of the public hearing. He stated that his standard advice is to leave the hearing open.

The Chairman referred to the Cecil Group matrix dated December 5, 2014, reviewing the items point by point. A brief discussion ensued regarding the "amenities". The Chairman stated that "amenities" could include walkable areas, ease of access and distance to travel to acquire goods. He asked the Board to consider whether or not amenities were being provided. Ms. Gill asked if job creation could be considered a public amenity. The Chairman opined that this would probably fall under a different heading. Mr. Hardy stated that amenities could include walkability, sidewalks and common areas. The Chairman noted that if the project proceeds to Preliminary Plan, more engineering work would be required including more in depth reports regarding traffic and circulation.

A discussion ensued regarding "intimate scale". Mr. Saurette stated that he had recently attended a workshop held by Statewide Planning regarding villages and zones designed to avoid sprawl and to cluster uses closer to highways. He opined that this idea speaks to the "intimate scale" component of the Comp Plan. Ms. Guimond stated that she liked the concept of intimate scale, and that the scale of a project should not overwhelm the Town. Ms. Eva stated that the Board never held a vote on the scale of the project, and that it was more of a consensus. She stated that design and traffic are very important. Mr. Hardy agreed that design is very important and that design goals can be achieved with work.

Ms. Guimond stated that she had not had a chance to discuss this petition yet, noting that she does not discuss the topic outside of the meeting setting and had not made up her mind. The Chairman agreed that the Board had not had a chance to determine which direction they would take. The Chairman noted that the Comp Plan talked about "traditional main street pattern" development. He opined that design guidelines could be created and it would be up to the developer to follow the guidelines. Mr. Saurette stated that the applicant had made an attempt to abide, and that this was just the beginning of the process. He suggested that design specifics would come later in the process.

The Chairman reviewed the concept of "rural character" as discussed in the Comp Plan. He suggested that the Comp Plan could be amended to reflect different land use goals for different areas of Town. He noted that there would be no homes moved within the historic district. The Chairman opined that Tiverton is made up of many different areas and they all aren't rural or commercial. He stated that if there was going to be a development it would need to have access. He added that he was not sure that he would define the area the proposed development as "rural".

Ms. Gill inquired about the historic landscape, asking what the impact of the driveway off of Main Road would be. Mr. Buckland replied that the Osborn Bennett District included structures and the areas around structures. He noted that the development could modify the landscape while preserving the structures. The Chairman asked if the “landscape” described the overall context of the area or something specific. Mr. Buckland replied that it described the area in general, but that he was not sure how much has been modified over the years. He noted that the structures were identified in the Comp Plan, and that mitigation planning would need to define the preservation needs.

Mr. Hardy stated that Ted Sanderson of the RI Historical Preservation and Heritage Commission had singled out the pasture behind the Corr house (1148 Main Road) as contributing to the district. He stated that while he appreciated the developer’s plan to preserve the Corr house, he still thought there would be a negative impact on the historic district. He stated that there would be increased traffic and that the owners of the historic structures might lose property value and leave. He expressed concern about the development of less upscale development on neighboring properties, such as fast food restaurants. He also expressed concern about noise, traffic and litter.

Mr. Buckland stated that there were two issues to consider: 1.) Impact of development – which had not been deliberated upon, and 2.) The Comp Plan’s mention of the preservation of historic structures.

The Chairman reviewed the language on agricultural soils. He noted that the current zoning of the property is R-40 and that it is not protected open space. Mr. Saurette stated that he would not recommend a true agricultural use on this property. He opined that the use of property with prime agricultural soils should be reviewed case by case. Ms. Eva noted that the property was formerly “Barker’s Farm”.

The Chairman reviewed the language on tree resources, stating that identification and preservation of significant trees would be addressed later in the process. The Chairman referred to the Future Land Use map in the Comp Plan (Figure 5-4). He noted that the general area contained two gateways, medium density residential and commercial uses. He stated that the applicant had requested a change to “mixed use”. Ms. Eva stated that she would be opposed to eliminating the gateway designations. Mr. Buckland replied that there was no need to amend the gateways, but that the use of the property would need to be amended in order for the project to be considered. Ms. Guimond asked if changes would affect the whole Town. Mr. Buckland replied that the change proposed would only affect this property. He added that the Board could recommend changes elsewhere if desired.

The Chairman referred to Section 5.5 in the Comp Plan regarding mixed use development. Mr. Saurette noted that this property was previously zoned Highway Commercial (HC). Discussion ensued. The Chairman noted that the affordable housing requirement came out of the Town Center study previously performed. He noted that the Comp Plan currently requires 30% affordable housing for multi-family and mixed use development. Ms. Guimond asked if this mixed-use language would apply elsewhere in Town. The Chairman suggested that they should keep the affordable housing requirement for multi-family developments, noting that the only change requested pertained to mixed use developments. Mr. Hardy stated that he was OK with what the developer was proposing regarding housing.

The Chairman reviewed the language regarding walkable and pedestrian friendly development. He opined that the proposed development would comply as proposed. Mr. Hardy agreed. Mr. Saurette also agreed that this point had been addressed.

The Chairman stated that this concluded the points made by the Cecil Group. Mr. Hardy stated that he found the summary helpful, and that it was correct not to include a lot of other material. He noted that one of the Planning Board’s required findings is that there would be “no significant negative environmental impacts as shown on the Final Plan with all conditions for approval”. He stated that at this point he did not have enough information to make a positive finding on this issue. He suggested that perhaps the Planning Board could write to the Conservation Commission and ask them to participate in the review and provide

information to the Board regarding environmental impacts. He noted that this area was a watershed of a Natural Heritage corridor with species of State concern. He stated that he needed more information regarding impacts and mitigation. The Chairman agreed, stating that the finding relates to the Final Plan and that much of the technical work would be provided at Preliminary Plan. Ms. Eva asked if the Conservation Commission had received plans. Ms. Michaud replied that the Commission had received a site plan and a written request for comments.

At this time, 9:00 PM, the Chairman called for a ten minute recess for the stenographer. The session came back to order at 9:09 PM.

The Chairman asked the Board if there were any other points regarding the Comp Plan that the Board would like to discuss. Mr. Saurette noted that the discussion had been regarding specific points in the Comp Plan, and not the overall vision of the Plan. He noted that there was a lot of discussion within the Plan regarding balancing commercial and residential uses and regarding the role of economic development in diversifying the tax base. He noted that in his five (5) years on the Board, economic development had been a primary issue of concern. He suggested that the Board should be looking at the goals of the community.

The Chairman asked if the Board members were ready to come to a consensus. He stated that with a consensus, the Board could direct legal counsel to work with the Administrative Officer and the consultant to draft a written decision for a formal vote. Ms. Eva stated that she would need to see where the points discussed would fit into the plan. She stated that she was having trouble following the discussion as it related to the specific location of changes within the Comp Plan.

Mr. Petrarca suggested that the Board could take a consensus on the points raised – either to agree or disagree. He stated that the Board could then direct the staff to draft specific language for review and vote. Ms. Eva stated that she would not vote until she saw the specific language and where it would be within the Plan. Mr. Saurette made a motion to authorize the Cecil Group to draft changes to the Comprehensive Community Plan in accordance with the recommendations in their report, for review at the next meeting. Mr. Hughes seconded for discussion, and then stated that he felt that this motion was out of order. He suggested that if the majority of the Board was comfortable with amending the sections discussed, then they would be written up for a formal vote.

Ms. Eva asked if there were environmental issues within the Comp Plan that would need to be addressed. Mr. Hardy replied in the negative, stating that environmental issues would be addressed later in the plan. He stated that he was fine with the Cecil Group's recommendations, except for the historic section which would allow for the landscape to be altered. He stated that he strongly disagreed with the draft in this respect. Ms. Cote asked how much of the land within the historic district, other than the buildings, should be preserved. Mr. Hardy asked how the impacts would be mitigated. He expressed concern that the district itself would be gutted. Ms. Guimond stated that she lives at Four Corners and that she shared concerns regarding preservation of historic structures. Ms. Cote asked if this would eliminate the potential for any development.

Carol Herrmann, 1106 Main Road, referred to the historic resources identified in the Comp Plan and read from the Plan. Ms. Michaud noted that page 35 of the Comp Plan depicted the historic district. Ms. Gill stated that preserving the open field and undeveloped land would rule out any development. Ms. Gill asked if there would need to be a town wide amendment to this section of the Comp Plan or if there could be something specific to the proposed development. Mr. Buckland stated that the Osborn-Bennett district is identified within the Comp Plan on a map, and that, if appropriate, it should be identified. Ms. Gill stated that she would like to see the amendment language written up and brought back to the Board. Mr. Hardy asked if a failure to amend the language would kill the project. He noted that Mr. Coates had indicated that the Carpiolato Group had a lot of experience working within historic districts. He added that he did not think that the district would prohibit the location of an entrance. Mr. Buckland stated that the Board was not obligated to amend the Comp Plan, but that a clarification was suggested. Mr. Hardy stated that the Town

would have more leverage if the language remained in the Plan. Mr. Buckland replied that the real power was within the Zoning Ordinance, and that the Comp Plan was meant to lead up to the regulations.

Ms. Michaud opined that the Future Land Use Map was a major decision point, and that if the Board was not willing to approve this change than the rest of the changes would be moot. Mr. Hardy suggested that the changes should be drafted, and then the Board could make piecemeal changes as necessary. Mr. Petrarca noted that the Board would be voting to change the plan, and asking staff to draft specific language for a vote. Ms. Eva stated that her concern was with seeing how the language would flow within the Plan. The Chairman asked for a consensus on a direction to the consultant to draft amendments for a vote at the next meeting. Mr. Saurette withdrew his previous motion. Mr. Hardy asked if there would be an opportunity to give input on the drafted language. The Chairman stated that the Public Informational Meeting would remain open. Mr. Cote made a motion to direct the consultant to draft language for a vote at the next meeting. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

Mr. Hardy made a motion to change the order of the agenda to hear D. Zoning Ordinance Amendment Request next. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

**C. Revised Master Plan Application** This item was continued to the next meeting.

- **Possible Deliberation and Vote – Conditional Approval or Denial**

**D. Zoning Ordinance Amendment Request (Map & Text)**

- **Possible Deliberation and Vote / Possible Recommendation to Town Council**

This item was addressed out of order, after Item 1B. The Chairman noted that the Board had not had a chance to vet the proposed language. He asked the Board to come to the next meeting prepared with comments and revisions.

At this time, the Chairman called for questions and comments from the audience.

Ms. Herrmann read a statement regarding the national historic register district and the Osborn house (c. 1845) which would be remaining on site (1148 Main Road). She stated that the district would be severely compromised and no longer eligible due to the entrance and signage. She made reference to correspondence from Ted Sanderson. (Note: the correspondence received was addressed to Susan Anderson, who submitted an email correspondence to the Board as part of her testimony.)

Linda Jenkins, 25 Rim Rock Court, expressed concern regarding preservation of the Town's historic charm. She also expressed concern regarding traffic impacts that would limit access to the north end of Tiverton and could encourage those in the south part of Tiverton to shop in Westport or at Clement's in Portsmouth. She also noted that the Swansea Mall had many vacancies and that the proposed development may be at the expense of the local residents.

Ron Marsh, 48 Four Rod Way, opined that the proposed development would irrevocably compromise the rural character of Town. He stated that he did not move here for a mall, shopping area or concentrated retail, but for the scenery and rural character. He expressed concern that the taxes would go up and not down due to strain on public services. He suggested that officials should speak with those in Cranston or West Warwick.

Ralph Doliber, 40 Ridgeside Lane, expressed concern regarding the historic district. He asked why there was no access proposed on Route 24. He asked why no one had brought up this issue. He also opined that people did not move to Town for this type of development.

**E. Next Special Meeting Date and Items for Next Special Meeting Agenda**

Mr. Hardy made a motion to continue the entire agenda to the January 20 Special Meeting at 7:00 PM at the high school auditorium. Ms. Eva seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

**2. Tiverton Planning Board**

**A. Miscellaneous** There was no miscellaneous discussion.

**B. Adjournment:** Ms. Eva made a motion to adjourn. The motion was seconded by Ms. Hardy. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion. The meeting adjourned at 10:02 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by: Kate Michaud  
Kate Michaud, Clerk

Approval Date: February 3, 2015